

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:10-CV-00330-BR

LYDIA B. HASHEMZADEH, )  
Plaintiff, )  
v. )  
 )  
 )  
BELK, INC., )  
Defendant. )

ORDER

This matter is before the court on defendant's motion to dismiss or, in the alternative, to compel. According to defendants, plaintiff's case should be dismissed because she failed to participate in the Rule 26(f) conference and has not responded to discovery requests served on her by defendant. Plaintiff did not file a response in opposition to the instant motion, although she did previously file a motion for a protective order regarding the subject discovery.

Magistrate Judge James E. Gates recently denied plaintiff's motion for a protective order without prejudice as it was not clear what relief plaintiff sought. Thus, at this time, plaintiff is obligated to respond to the discovery requests served on her by defendant. Rather than dismiss the case outright at this time, the court GRANTS defendant's motion to compel. Within 30 days of the date of this order, plaintiff is DIRECTED to respond to the discovery requests served on her by defendant. **PLAINTIFF IS HEREBY WARNED THAT IF SHE FAILS TO TIMELY AND FULLY RESPOND TO THOSE DISCOVERY REQUESTS, HER CASE MAY BE DISMISSED AND JUDGMENT ENTERED IN FAVOR OF DEFENDANT.**

This 26 September 2011.



W. Earl Britt  
Senior U.S. District Judge